

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

FRANCINE CEJKA

Plaintiff,

v.

Case No: 12-11102-DT

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

This matter case was referred to United States Magistrate Judge Michael Hluchaniuk pursuant to 28 U.S.C. §636(b)(1)(B) and Local Rule 72.1. The magistrate judge issued his report on February 27, 2013, recommending that defendant's motion for summary judgment should be GRANTED IN PART AND DENIED IN PART and that plaintiff's motion for summary judgment be GRANTED IN PART AND DENIED IN PART, that the findings of the Commissioner be AFFIRMED IN PART AND REVERSED IN PART and that the case be REMANDED for further proceedings. No objections have been filed pursuant to 28 U.S.C. 636(b)(1)(C), thus further appeal rights are waived.¹

¹ The failure to object to the magistrate judge's report releases the court from its duty to independently review the motion. *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

Having reviewed the file and the report, the court concludes that the findings and conclusions of the Magistrate Judge are correct and ADOPTS the same for purposes of this Order.

ORDER

IT IS ORDERED that, for the reasons set forth in the Magistrate Judge's Report and Recommendation, the plaintiff's motion for summary judgment is GRANTED IN PART AND **DENIED IN PART**, the defendant's motion for summary judgment is **GRANTED IN PART AND DENIED IN PART**, the findings of the Commissioner are **AFFIRMED IN PART AND REVERSED IN PART** and the case is **REMANDED** for further proceedings.

IT IS SO ORDERED.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: March 29, 2013

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, March 29, 2013, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522